

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, FEBRUARY 6, 2007 AT 7:00 P.M.

The City Council of the City of Leon Valley, Texas, met for a Regular City Council Meeting on the 6th day of February 2007 at 7:00 p.m., at the Leon Valley City Council Chambers, for the purpose of the following business, to-wit:

Call to order and Pledge of Allegiance.

Mayor Riley called the meeting to order and asked that the minutes reflect that the following members of Council were present: Maloy, Reyna, Semmelmann, Dean and Rangel.

City Manager Lambert, City Secretary Feutz, Fire Chief Irwin, City Engineer Wright, Public Works Director Vick, Community Development Director Smith, Economic Development Director Caldera, HR Officer/Assistant City Secretary Schendel, and City Attorney Jacobson were also present.

Mayor Riley asked resident Celia Ramirez to lead the Pledge of Allegiance.

Mayor Riley recognized Scout William Nelson from Troop 17. Mayor Riley stated that Scout Nelson was working on his Citizenship in the Community Badge and his Eagle Scout requirements.

Consider approval of minutes of the City Council Meeting of January 23, 2007.

A motion was made by Councilman Reyna, seconded by Councilmember Rangel, to approve the minutes from the City Council Meeting of January 23, 2007. Upon a unanimous vote, the motion carried.

Presentation of Certificates to the 2007 Community Leadership Program participants.

Mayor Riley congratulated all the participants in the 2007 Community Leadership Program and presented certificates of achievement to: Al Baldridge, Abraham Diaz, Isaac Elizondo, Tony Gonzalez, Leo Gorman, Mary Key, Patty Manea, Phillip Manea, Ben Miranda, Herman Murray, Cathy Nelson, Vivian Pankey, Celia Ramirez, Celia Ramirez, Cindy Rangel, Bobbie Schaeff, Larry Schaeff, Bob Smith, Lydia Stahl, Al Uvietta, Carlos Vera, Darcy Vera, and Tony Westrich. Mayor Riley thanked the participants and staff for their work to make the program a success.

Presentation by Chairs of the Earthwise Living Committee on their activities and recommendations.

Co-Chairs Thomas Benavides and Rita Burnside presented an overview of their goals and a synopsis of accomplishments over the last year which included: Open Government training, tour of the Vista Fibers plant to learn more about the expanded recycling options, participation in the John Marshall High School program for Texas Recycle Day. They also announced the February 2007 Earthwise Living Day program and they asked that the City consider what kind of building code requirements would be needed to support a program for residential cisterns for rainwater collections. They also explained a campaign that Waste Management, Inc. would be introducing to rejuvenate interest in curbside recycling to include an expanded list of plastic products that could be recycled, as well as inkjet cartridge and cell phone recycling programs. They asked Council to support programs that encourage conservation and recycling in Leon Valley.

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Citizens to be heard and time for objections to the Consent Agenda.

Mayor Riley asked Council if they wished for any Consent Agenda item to be removed for further discussion. Hearing no requests, Mayor Riley asked if anyone in the audience wished to address the Council.

Phillip Manea, President of the Leon Valley Area Chamber of Commerce, asked Council if they favorably considered the request for off-premise signs by the Trade and Market Committee, scheduled for later on the agenda, he announced that the Chamber would allow those signs to be posted at the bottom of the Chamber's existing pole signs at either end of Bandera Road at the City limits.

Nita Lange, Chair of the Trade and Market Days Committee, addressed Council asking for them for their support of a request that would be considered later on the agenda for signs at the City limit entrances to remind customers of the Trade and Market Days. Ms. Lange explained that the bandit signs that were put out each Trade and Market Days were dangerous to put out and pick up and she felt that the permanent signs would be safer.

Resident Al Baldrige thanked Council for the opportunity to participate in the Community Leadership Program and he complimented staff for their professional presentations. He also praised the work of Community Development Director Melinda Smith.

Mayor Riley extended best wishes to those in attendance with wedding anniversaries and Councilmember Maloy on her birthday.

Mayor Riley asked if anyone else wished to address Council; seeing no one, she asked for a motion on the Consent Agenda.

Consent Agenda

Consider M&C # 02-01-07 with attached ordinance - Updating City Building and related Codes by repealing, replacing and revising City Code Chapter 3, "Air Conditioning and Heating," Chapter 6, "Building and Building Code," Chapter 8, "Electricity, and Chapter 19 "Plumbing Code". This will bring these codes using 2003 standards to 2006 International Code standards.

A motion was made by Councilmember Semmelmann, seconded by Councilmember Dean, to approve the Consent Agenda. Upon unanimous vote, the motion carried.

Regular Agenda

Consider M&C # 02-02-07 - Consider a request for a variance to City Code Chapter 5, "Signs", Section 5.22, "Off-premise Signs" a., to allow the Trade and Market Days Committee to place off-premise, permanent signs on the existing City limits' sign poles at all entrances to the City of Leon Valley and at the Huebner/Evers intersection and the Evers/Poss intersection (Caldera).

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Economic Development Director Caldera presented the request for a variance to City Code Chapter 5, "Signs, Section 5.22, "Off-Premise Signs" to allow off-premise permanent signs, advertising Trade and Market Days, to be placed on existing city limit sign poles at all entrances to the City and to allow two new, off-premise permanent pole signs, advertising Trade and Market Days, to be installed at the corner of Huebner and Evers Roads and at the intersection of Evers at Poss Roads. Ms. Caldera stated that the Committee wished to reduce the number of bandit signs by having the total of eleven permanent signs, which would also reduce the costs of replacement signs and provide year-round recognition of the program to those entering the city limits.

Councilmember Maloy expressed her concerns about the request: the City should follow their own Codes or change the sign code; all non-profit groups in Leon Valley should be given similar treatment; bandit signs are more effective to attract shoppers; and she stated that she felt the sign design didn't really tell shoppers enough information, such as the location of the Trade and Market event. Councilmember Maloy asked that staff provide a list of all non-profit organizations in Leon Valley to see how many other organization could be coming to Council for similar requests if this request is approved. She recommended that perhaps the City hire someone to deliver and pick-up bandit signs.

Councilmembers discussed concerns of being fair to all sign requests, sign design options, and options for posting bandit signs.

Following discussion, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to table the agenda item until the next City Council meeting, February 20, 2007. Upon vote, the motion to table this agenda item until February 20, 2007 carried.

Consider M&C # 02-03-07 with attached Ordinance - Authorization to Execute Partial Abandonment and Release of a Linkwood Subdivision Water Line Easement (Wright).

City Engineer Wright reported to Council that the request was from a property owner, Mr. McFarland, of Lot 37, Block E, in the Linkwood Subdivision, for the existing fifteen-foot water line easement on the east side of his lot be reduced to five feet in width. Mr. Wright explained that the easement was originally intended to accommodate a fire line; however, because a swimming pool was built by a previous owner in the easement, the water main was installed in the adjacent ten-foot wide easement. Mr. Wright stated the full fifteen-foot wide easement was no longer needed, and stated that the City Attorney had reviewed and approved the partial abandonment and release of easement, and the City Engineer and Water Superintendent had no objections to the request. Mr. Wright also stated that the costs for the legal and recording of the instrument would be the responsibility of the property owner.

Following discussion, a motion was made by Councilmember Semmelmann, seconded by Councilman Reyna, to approve the request as presented. Upon vote, the motion carried.

Consider M&C # 02-04-07 - Establish "Citizen Neighborhood Progress Committee" to serve as a temporary advisory committee to Council (Caldera).

Economic Development Director Caldera presented the request to establish the Citizen Neighborhood Progress Committee to serve as a special advisory committee whose function would be to consider economic development-related tools and options and to make

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recommendations to City Council. She stated that there would be two public hearings, one on February 17th and another on February 22, 2007, for the public to voice their ideas for economic development. Ms. Caldera stated that she estimated that \$4,000 would be needed for mail-outs, printed materials and field trips and that the money would come from the Economic Development budget.

Following Council discussion, a motion was made by Councilman Reyna, seconded by Councilmember Rangel, to approve the request to establish the Citizen Neighborhood Progress Committee to serve as a temporary, advisory committee to the City Council. Upon vote, the motion carried.

Consider M&C # 02-05-07 - Appointment of members to the Citizens Neighborhood Progress Committee (Mayor Riley).

Mayor Riley thanked the Council for the submitting names for the committee, thanked Councilman Reyna for agreeing to serve as Council liaison, and to the City Manager and Ms. Caldera for their help. Mayor Riley stated that this broad-based committee would process information from the citizens on the issue. She announced that she was appointing ten-year resident Tony Westrich as Chair and area businesswoman Estelle Garza as Co-Chair of the committee.

A motion was made by Councilmember Rangel, seconded by Councilman Reyna, to appoint: Rene Baeten, Al Baldrige, Mary Lou Cruse, Carol Crutchfield, Mike Davis, Mel Eichelbaum, Isaac Elizondo, Bob Flaughner, Rudy Garcia, Estelle Garza, Gilbert Gavia, Hubert Lange, Mary Light, Patty Manea, Phillip Manea, Nancy Marin, Beth Martin, Phil Meuer, Herman Murray, Cathy Nelson, Ray Olson, Linda Persyn, Celia Ramirez, Fred Rangel, Roberto Rocha, Bob Smith, Randy Smith, Lydia Stahl, Tillie Stover, Shirley Thompson, Eddie Tolares, Al Uvietta, Tony Westrich, and Dan Yelacic to the Citizens Neighborhood Progress Committee. Upon vote, the motion carried.

Discussion on ordering a non-binding referendum on the issue of an elevated, toll road on Bandera Road (Reyna).

Mayor Riley announced that Councilman Reyna had requested the City consider this agenda item to consider the citizen's position on the elevated, toll road on Bandera Road in Leon Valley. Councilman Reyna stated that an email from one Texas Municipal League lawyer stated that the City is not allowed to have a referendum, but he indicated that there is a difference of opinion among lawyers about whether the City is allowed to hold a referendum or not. He also stated that the City previously had held a non-binding referendum in Leon Valley and he expressed his concerns about the negative effect of an elevated toll road through Leon Valley on the business community.

He asked the Mayor if further discussion on the subject could be delayed until the next meeting or the one after so that the subject could be evaluated and that he would return to Council with options available for the City to consider, in case an election is not appropriate.

Council discussed trying to get an Attorney General's opinion on the subject and discussed when a non-binding referendum was held previously in Leon Valley. City Secretary Feutz reported that after a review of City Council meeting minutes from 1985 and City election

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records, an election was held in April of 1985 to determine if citizens would support construction of a full service library in Leon Valley and also that the election results indicated that the voters were in favor of the library. She also stated that a bond election in August 1985 to fund the proposed library construction failed.

The City Attorney stated that under Police Powers, in conjunction with petition, under the Texas Constitution, a referendum may be possible.

Councilman Reyna asked that the item be tabled not to a date specific, but when he notified the City Manager that he had information available to bring back to the Council. There were no objections voiced by the Council to Councilman Reyna's request.

Consider Resolution #07-001 - Ordering the General Election to be Held on May 12, 2007 for the Purpose of Electing Council Place No. 1, Council Place No. 3, and Council Place No. 5, Designating the Polling Place, Appointing Election Officials, Providing the Early Voting, Providing for the Use of Voting Machines; and Providing Details Relating to the Conduct of Holding the Election (Feutz).

City Secretary Feutz explained to Council that the purpose of the proposed resolution was to meet Election Law requirements to order the General Election for May 12, 2007, inform the public, and authorize the election process details for the City. She stated that the resolution calls for the General Election to be held on May 12, 2007 for Council Place No. 1, 3, and 5; designates City Hall as the polling place and sets the hours for early voting by personal appearance and for election day. She also stated that the resolution appointed the judge and alternate judge for the election, appoints the Early Voting Clerk, and provides for the use of electronic voting machines for all voting other than mail ballots and provisional voting.

A motion was made by Councilmember Semmelmann, seconded by Councilmember Dean, to approve the resolution ordering for the May 12, 2007 General Election. Upon vote, the motion carried.

Consider M&C 02-06-07 - Request for City-Sponsorship of the San Antonio Chapter of the American Backflow Prevention Association for use of the Conference Center without charge (Vick).

Public Works Director Vick presented information on the request from the San Antonio Chapter of the American Backflow Prevention Association to use the Conference Center without charge. He informed Council that the group has used the Conference Center in the past and that Conference Center staff reported no problems with this group using the center, setting up for their own meetings, and leaving the center clean when they finish. Mr. Vick stated that the City receives benefits of free memberships for four staff members on the water crew and those staff members would be able to join in continuing education credit hours by their attendance at this group's meetings over the year in exchange for the group being allowed to use the center without charge.

Representatives from the Backflow Prevention Association, Mr. Rathborn and Mr. Pearson explained the importance of backflow prevention in protecting the potable water supply and provided information on the role of their association.

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Following discussion, a motion was made by Councilmember Semmelmann, seconded by Councilmember Dean to approve the request as presented. Upon vote, the motion carried.

City Manager's Report (Lambert).

Present Policy on Fraud, Waste and Abuse Reporting.

City Manager Lambert informed Council that the proposed policy was in response to the recommendation of the City's auditor and would apply to City employees. Mr. Lambert outlined the proposed policy for employees to report violations of fraud, waste and abuse and other details of the proposed policy. Councilmembers provided input on the proposed policy and indicated that they did not support such a policy allowing anonymous complaints and a third party receiving the complaints.

City Manager Lambert reported that the City had stopped all construction on the sidewalk across Bandera Road in front of the Huebner-Onion House and the adjacent natural area following a "stop-order" received from the Texas Historical Commission, in answer to a complaint they had received from a citizen about the property. Mr. Lambert reported that a meeting was held with the Historical Society Board, City Staff and the inspector at the sidewalk site and they expected an answer from the Commission regarding the legality of the sidewalk construction in the next week.

City Manager Lambert also reported that by the summer, the City of Leon Valley may reach or exceed their water pumping limits. He stated that work was being done to consider wells into the Trinity Aquifer, which is currently not regulated, and to continue encouraging water conservation in Leon Valley. He stated that the Trinity Aquifer water, although higher in salt and magnesium, could be blended with the water from the Edwards' Aquifer during the summer months to help the City meet their limits during higher water use months.

Citizens to be heard.

Resident Al Uvietta addressed Council suggesting that Council consider a written survey for residents on the toll road highway rather than a referendum.

Announcements by Councilmembers and Mayor.

Councilmember Rangel expressed his concerns about traffic safety in neighborhoods with an increase in thru traffic using the neighborhood roads due to recent lane closures on Bandera Road. He also reported that the Civic Affairs Committee would like to change their name to the "Community Events Committee". He also stated that he hoped the additional backflow prevention training will generate educational opportunities for the public on the subject.

Councilmember Dean thanked the City Manager and the Public Works Directors and staff for assisting with recent AT&T construction near his home.

Councilmember Semmelmann reported that the Stormwater Committee expected guidelines from the Texas Commission on Environmental Quality to be forthcoming in the next three months.

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Councilman Reyna also thanked City staff for their work in resolving issues with AT&T utility construction in the City.

Councilmember Maloy requested that the City work with the Master Gardeners for planting a demonstration garden around the new marquee in front of City Hall.

Mayor Riley reported that she and the City Manager met with the SAWS Chairman, Alex Briseno, and that she and the City Manager would be traveling to Austin on February 12th to a TML Legislative Update and to meet with local officials in Austin.

Adjourn.

A motion was made by Councilman Reyna, seconded by Councilmember Maloy to adjourn. Mayor Riley announced the meeting adjourned at 9:16 p.m.

Chris Riley

Mayor

ATTEST:

Marie Feutz

City Secretary

Approved by vote of City Council at the February 20, 2007 Regular City Council meeting.